

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

24 MAR -7 AM 9:37

UNITED STATES OF AMERICA

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v.

\*

CR 320-001

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QUAVERIS LESHAUN MIMS

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CLERK

SO. DIST. OF GA.

O R D E R

On February 2, 2024, the Court denied Defendant Quaveris Lleshaun Mims's motion for compassionate release. Presently, he has filed a motion for reconsideration. "[N]o statute or Federal Rule of Criminal Procedure authorizes the filing of a motion for reconsideration in a criminal case." United States v. Vives, 546 F. App'x 902, 905 (11th Cir. 2013). Yet, the Eleventh Circuit has permitted the filing of motions for reconsideration in criminal cases. United States v. Phillips, 597 F.3d 1190, 1199-1200 (11th Cir. 2010). In deciding motions for reconsideration in criminal cases, courts use the standards applicable to such motions filed in civil cases under Federal Rule of Civil Procedure 59. "The only grounds for granting a Rule 59 motion are newly discovered evidence or manifest errors of law or fact." Arthur v. King, 500 F.3d 1335, 1343 (11th Cir. 2007) (quotations and citations omitted).

Here, Defendant presents no new evidence. Though he now contends that he had exhausted his administrative remedies prior to filing his motion for compassionate release (Mot. for Recon.,

Doc. No. 387, at 2), Defendant presents no supporting evidence. Even if Defendant had exhausted his administrative remedies, the Court also denied his motion on the merits. With respect to his medical circumstances claim, Defendant presents no new information except that he points out that Dr. Archer, who is referenced in its Order of February 2<sup>nd</sup>, has never examined him. The Court did not presume that Dr. Archer had examined Defendant; rather, the Court recognized that Dr. Archer had provided a summary report of his review of Defendant's medical records. Moreover, Defendant's inmate medical records were on file for the Court's independent review. Finally, nothing in Defendant's motion for reconsideration assails the Court's determination that the sentencing factors of 18 U.S.C. § 3553(a) do not weigh in favor of his early release.

Upon the foregoing, Defendant Mims has not convinced the Court that its decision to deny compassionate release was wrongly reasoned or decided. His motion for reconsideration (doc. no. 387) is therefore **DENIED**.

ORDER ENTERED at Augusta, Georgia, this 7<sup>th</sup> day of March, 2024.

  
UNITED STATES DISTRICT JUDGE